

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KENDALL BROWNE,

Plaintiff,

-against-

P/O KENNETH T. ANDERSON; P/O GANESH  
R. BHAGWANDEEN; P/O DANIEL J.  
GRAHAM; TOWN OF WALLKILL,

Defendants.

23-CV-3173 (CS)

ORDER OF SERVICE

CATHY SEIBEL, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under 42 U.S.C. § 1983, alleging that Defendants violated his federal constitutional rights and his rights under state law. By order dated April 18, 2023, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP") – that is, without prepayment of fees.

**DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

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<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

To allow Plaintiff to effect service on Defendants Town of Wallkill, and Officers Kenneth T. Anderson #1501, Ganesh R. Bhagwandeen #9409, and Daniel J. Graham #3690 through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### **CONCLUSION**

The Clerk of Court is instructed to issue summonses, complete the USM-285 forms with the addresses for the Town of Wallkill, and Officers Kenneth T. Anderson #1501, Ganesh R. Bhagwandeen #9409, and Daniel J. Graham #3690, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further directed to mail an information package to Plaintiff.  
SO ORDERED.

Dated: April 26, 2023  
White Plains, New York



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CATHY SEIBEL  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. Kenneth T. Anderson #1501  
Town of Wallkill Police Department  
99 Tower Drive  
Middletown, NY 10941
2. Ganesh R. Bhagwandeen #9409  
Town of Wallkill Police Department  
99 Tower Drive  
Middletown, NY 10941
3. Daniel J. Graham #3690  
Town of Wallkill Police Department  
99 Tower Drive  
Middletown, NY 10941
4. Town of Wallkill  
99 Tower Dive B  
Middletown, NY 10941